

Order

Michigan Supreme Court
Lansing, Michigan

March 28, 2012

Robert P. Young, Jr.,
Chief Justice

144118

Michael F. Cavanagh
Marilyn Kelly
Stephen J. Markman
Diane M. Hathaway
Mary Beth Kelly
Brian K. Zahra,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 144118
COA: 298507
Monroe CC: 10-038097-FH

ALTON RAY SANDERS,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the September 27, 2011 judgment of the Court of Appeals is considered and, pursuant to MCR 7.302(H)(1), in lieu of granting leave to appeal, we VACATE that part of the Court of Appeals judgment finding evidence of a traffic violation for failing to signal a lane change, and we REMAND this case to the Monroe Circuit Court for further findings of fact relative to whether the failure to signal a lane change independently justified the traffic stop. Where the trial court failed to make factual findings that are important to the resolution of the legal issue, the Court of Appeals should have remanded the case to the trial court to make those findings instead of making factual determinations based on the lack of contrary findings by the trial court. In all other respects, leave to appeal is DENIED, because we are not persuaded that the remaining question presented should be reviewed by this Court.

We do not retain jurisdiction.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

March 28, 2012

Corbin R. Davis

Clerk